IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11247 of 2004

Between:

Mahesh Trust rep by General Secretary, Bansilal Loya S/o Bankatlal Loya
R/o Kandulavari Street, Vijayawada

..... PETITIONER

AND

Southern Power Distribution Co. of A.P., rep by Assistant Accounts Officer,
Electricity Revenue Office Town-I, Vijayawada

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the proceedings bearing Lr. No. AAO/ERO/T2/VJA/JAO.IV/BS.VI/DNO. 1083/04, dt 14-6-2004 issued by the respondent as illegal and ultra virus to the provisions of Article-14 of the Constitution of India and also mandatory provisions of Indian Electricity Act and also India Electricity supply Act and its rules

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent : SMT.M.VINOBHA DEVI

The Court made the following :

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ORDER:

Having regard to the orders passed by this Court in the W.V.M.P.No.2433 of 2004 dated 08-11-2004 taking note of the fact that there have been certain collections in the impugned demand and there was no enquiry in regard to the liability of the petitioner and also the applicability of the category, it is suggested across the bar that the main writ petition itself can be disposed of on the same grounds.

Admittedly, in this case prior to the demand there was no enquiry and even after filing of the representation by the petitioner on 09-06-2004, neither any opportunity was given to the petitioner nor any enquiry was conducted. Having regard to the variation in regard to the amounts as claimed and the collections made and especially taking note of the representation filed by the petitioner, it is felt desirable that enquiry should be conducted after giving notice and opportunity to the petitioner.

The Writ Petition is, accordingly, allowed, setting aside the impugned proceedings and directing the respondents to conduct enquiry and pass fresh orders after giving notice and opportunity to the petitioner. No costs.

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B.PRAKASH RAO, J.

Dated 09-11-2004.

skmr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Tuesday, the Ninth Day of November Two Thousand and Four.

To

1. The Assistant Accounts Officer, Southern Power Distribution Co. of A.P.,
   Electricity Revenue Office Town-I, Vijayawada

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